Attorney Docket No. 1017-6592 (51017/6592)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	
Weinstock et al.	:	
	:	
Serial No.: 09/694,050	:	Examiner Robert Morgan
	:	
Filed: October 20, 2000	:	Group Art Unit 2166
	:	
For: Extended Web Enabled Business to	:	
Business Computer System for Rental	:	
Vehicle Services	:	

DECLARATION OF RUSSELL DITTMAR

Comes now Russell Dittmar, and being duly informed of the penalties for perjury, does hereby

provide the following declaration in support of the subject patent application.

1. I, Russell Dittmar, am presently employed by Crawford Group, Inc., the assignee of the subject

patent application, as the Manager of Application Architecture, a position I have held for about 1 year. In

total, I have been employed by Crawford for 9 years and prior to being promoted to my present position,

I have held the following positions for the indicated number of years: Application Architect for

approximately 5 years, Systems Analyst for approximately 2 years, and Senior Programmer/Analyst for

approximately 1 year.

2. I graduated from Hope College in 1991 with a Bachelor of Arts in Computer Science. Prior to

joining Crawford, I had additional experience in the computer and network/internet field by working for

Okasan Information Systems for 2 ½ years as an Assistant Manager of their London IS Office.

3. I have read the Examiner's comments made in the Office Action mailed April 1, 2002 and the

comments made in the Office Action mailed October 29, 2002. Specifically, I have made note of the

comments directed to the interpretation of the Brandt et al reference, US Patent No. 6,125,384 and its purported teachings. As I explain below, I am in disagreement with many of the comments made, and in my opinion, the Brandt patent does not teach or suggest the functionality of the invention disclosed and claimed in the subject patent application. As I further point out below, a later published patent application commonly owned by IBM supports my interpretation of the Brandt patent and provides independent, un-solicited corroboration of my interpretation.

4. The Brandt patent discloses, as recited in its abstract, a computer system and method which provides access to a software application from a web browser over the WWW. The system includes one or more computers executing a web browser, a web server application, an application gateway, and a software application (singular!). The system and method disclosed allows a user of the web browser to access the software application. In implementing its system and method, Brandt teaches that the web server application authenticates the web browser and passes appropriate input data to an application gateway, which then performs the function requested in the web server input data by formatting the appropriate commands with the software application. The software application responds by outputting data to the application gateway that includes an identifier that the application gateway uses to match the output data with the web browser that requested the output data. The end result is that the system disclosed allows multiple web browsers access to the software application simultaneously.

5. The Brandt patent unequivocally teaches and suggests a system for allowing users access to a single, and only a single, software application. The patent is riddled with statements confirming this. One such example appears at col. 10, lines 4-16 which states:

"FIG. 5 depicts a preferred embodiment of a method in accordance with the present invention and describes the interaction and communication between a single web browser and a software application. However, the present invention is not limited to an environment with a single user and a single web browser. As explained below with regard to FIG. 7, a multi-user system is contemplated where multiple users will use multiple web browsers to simultaneously access the same software application via the WWW. The Internet/application gateway 332 provides a mechanism to track interactions between multiple users and match the requests made to the software application by each user for the various desired transactions."

6. The Brandt patent more specifically discloses a rental car application as its preferred embodiment. This description begins at col. 14, line 52, and Brandt teaches the use of the network arrangement shown in Fig. 4 and the software known as FlowMark for this implementation. As further explained with reference to Fig. 20, a process model 2000 includes process steps 2010, 2020, 2030, 2040, and 2050. Process step 2010 uses FlowMark internet connection WWW APIs and data container APIs. Process step 2020 is an activity program which determines if a car is available to fill the reservation. The subsequent path taken in Process Model 2000 is dependent upon the results of this determination. The description of this process is found at col. 15, lines 1-21, in summary form and then described in greater detail thereafter. However, for present circumstances, it is important to note the description given beginning at col. 15, line 22.

7. As noted at col. 15, line 22, the process is described with the person or user who wants to rent a car accessing the WWW by using a client workstation 210 running web browser 212 and entering the URL for the rental car agency. Then, the user locates the appropriate area or page on the rental car agency's web site which has been previously set up to accept requests for renting cars. The assumption is that the rental car reservation form has been previously set up to accept requests for renting cars. After locating the car rental reservation form, the user enters the information required by the car rental agency. The text of the Brandt patent then goes on to explain how this rental process could then be carried out by the FlowMark application. Thus, it is clear that the FlowMark application is the software application desired to be accessed over the web.

8. I have read the subject patent application and note that it discloses a rental management software which communicates over the WWW with a plurality of users, accepting rental reservations from them all, and communicating them on to a "fulfillment" software program while at the same time providing management of those rental reservations. I find no corresponding software in the Brandt patent providing any of the same "management" functionality. This is acknowledged by comments in both of the two Office Actions. However, the additional comments made throughout that suggest that somehow the Brandt patent provides some motivation or that it is obvious to add management functionality to the FlowMark application misses the point. The invention disclosed in the subject application teaches that the management functionality of the management software is in a different software, running on a different computer, than that for the FlowMark software. Adding management functionality to the FlowMark software would not replicate the invention.
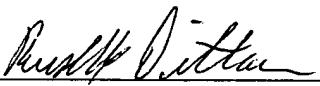
9. I would like to address specific comments made in the Office Actions. In the Office Actions the comment is made that Brandt somehow teaches that the FlowMark application may be used to access through the internet other car agency's web sites, citing col. 14, line 53 to col. 15, line 37. In the October Office Action, the comment is made that a user accesses the internet using FlowMark application software and links to a rental car agency's software or web site. I disagree with that assertion. The first sentence of that text section merely suggests that the FlowMark application may be accessed over the internet, not that it may be used to access other software over the internet. This is made clear by continuing to read this text section. For example, see col. 15, line 22 et seq. which describes a user accessing the web by using his web browser, entering the URL for a car rental agency, and then entering data for the rental transaction. Web server application 222 then translates the data for action by the FlowMark application. The actual execution of the FlowMark application is then described for several columns of text. But, the FlowMark application is resident at the car rental agency's web site and the transaction is described as a single transaction for the contacted car agency. In other words, the user only gets to the FlowMark software after he uses his web browser, and surfed to it over the web. This is further confirmed by referring to Fig. 7 and the text at col. 14, lines 23-51 which explains what a user has to do to go to a different car agency's web site. Brandt's architecture is such that users are funneled into a common gateway for each service provider and must access a separate gateway over the WWW to gain access to a second service provider. That requires a user to surf the WWW using his own browser to go from one car agency to another, and not somehow enter a command to the FlowMark application and have it re-connect the user to another car agency.

10. The Brandt patent indicates on its face that it is assigned to IBM. I have also read a published US Patent Application No. US 2002/00091533A1, published July 11, 2002 entitled "Technique for Automated E-Business Services" also indicated as being assigned to IBM. Beginning at Page 2, [0016] and ending at [0017], a discussion is presented of the FlowMark software, itself owned by IBM. In that discussion, IBM itself comments on the shortcomings of FlowMark. It says in part that FlowMark "is better suited to use in intra-company applications where the modeling tool will be readily available than for use in e-business transactions among different companies." And that FlowMark "tends to use proprietary data formats, which are also not well suited to the needs of e-business in an open distributed networking environment." These negative comments are further evidence that the preferred embodiment of the Brandt patent using the FlowMark application is not suited to the very environment

described as part of the subject invention. By definition, and as noted in the claims of the subject application, the invention is directed to connecting two different companies for the conduct of substantial e-commerce. IBM itself admits that one of ordinary skill in the art would not be led to even use FlowMark for that application, much less be taught to somehow modify it to provide additional functionality which it admittedly lacks. This is un-solicited, independent corroborating evidence that the subject invention is patentable over the Brandt disclosure.

11. In conclusion, Brandt in my opinion discloses solely an arrangement whereby users are provided internet access to an existing car rental agency program. In other words, an internet gateway is provided to move a car agency's rental car "legacy" program "on-line". It does not in my opinion teach or suggest a layering on of a management software program which provides the management capability that is needed to process the overwhelming number of reservations made over a single high volume business to business e-commerce connection. Nor would one of ordinary skill in the art reading the Brandt disclosure recognize the need for this management capability due to the nature of the business being conducted, i.e. consumer to business. Indeed, IBM itself teaches that the preferred embodiment of the Brandt patent is ill-suited to e-commerce, making it unlikely to be considered for the kind of modifications suggested, which even if incorporated do not replicate the invention.

Having been duly warned that willful false statements and the like are punishable by fine or imprisonment, or both under 18 USC 1001, and may jeopardize the validity of the subject application or any patent issuing thereon, the declarant submits the foregoing declaration.

Russell Dittmar
Russell Dittmar

31-March-2003
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Weinstock et al.   :
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Serial No.: 09/694,050   :   Examiner Robert Morgan
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For: Extended Web Enabled Business to   :
      Business Computer System for Rental :
      Vehicle Services   :

DECLARATION OF DAVID SMITH

Comes now David Smith, and being duly warned of the penalties for perjury, gives the following declaration in support of the subject application:

1. I have been employed by Enterprise Rent-A-Car Company, a wholly owned subsidiary of the owner of the subject application for 13 years and am presently its Asst. Vice-President of Internet Solutions. Crawford Group is the parent of Enterprise Rent-A-Car Company and provides the ARMS® system and services to Enterprise for the conduct of its business.

2. I have been actively involved in the implementation of what has been called the ARMS® software and system with our customers since I helped invent it during the late 1990's. ARMS® is the trademark that identifies the invention disclosed and claimed in the subject patent application, including the claimed features of providing internet based communication between our customers and us, with the ARMS® software being the vehicle for that communication. Importantly, ARMS® software provides management control over the

processing of vehicle rental transactions, which are communicated to and then "fulfilled" by a legacy software system.

3. Enclosed herewith as Exhibit A is a reprint of an article from CIO, a magazine for information executives, which announces that the ARMS® invention has won an award. In it the article affirms that it is the claimed features of the invention that make the ARMS® system and invention award worthy. As noted in the article, "ARMS® is a simple concept a Web-based application that enables insurance companies, Enterprise branches and auto-body shops to manage the entire rental cycle electronically." . . . "the auto-body shop can send daily electronic updates on the status of car repairs. If the repair takes longer than expected, the insurance company is automatically notified through ARMS®. Once the body shop completes the repair and the customer returns the rental car, ARMS® automatically generates an invoice and sends it to the insurer. Meanwhile, ARMS® gives insurers access to a data warehouse where they can slice and dice information about their overall transactions, enabling them to better analyze and manage the rental process on a macro level. This is a huge improvement over what used to be a cumbersome, paper-laden, manual process." . . . Enterprise has calculated that an average of 8.5 phone calls are cut from each rental transaction, as well as half a day from a typical rental cycle, saving the insurance industry between $36 million and $107 million annually.
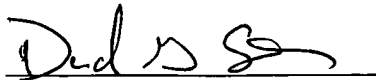
4. Not only does this article report the award, but it also recounts some of the commercial success that the ARMS® system has achieved, again as a direct result of its claimed features. As noted in the article, while Enterprise's overall insurance rental segment had grown 35% between 1998 and 2000, business with several of its biggest companies using ARMS® had grown two or three times that rate. GMAC had increased its business by 40% since going on ARMS®. Enterprise processed more than $1 billion worth of transactions annually through the ARMS® system, and currently processes over $1.5 billion annually. Enterprise has been able – in large part because of ARMS® -- to forge several "preferred provider relationships" with insurers like MetLife and GMAC. Meanwhile, at that time 22 out of the nation's 25 biggest insurance companies (and now all 25) – and at that time more than 150 companies in all (and now more than 490 companies) – are using the ARMS® system. And because ARMS® makes it

so much easier for insurance companies to do business with Enterprise, the company's business with major ARMS ® customers has grown dramatically faster than its overall insurance business. As noted by Mr. Don Ross, President and COO, "We've seen our business more than double with certain companies since they've gone on ARMS®. It's really the glue that put it all together."

5. More particularly, the claimed features of the invention are what has enabled the overwhelming success of the ARMS® system. These include, but are not limited to, the availability of the system at the same web address as the legacy system, thereby avoiding the need for the user to "surf" to another web address; the ability of the ARMS® system to manage the transactions including authorizing, processing, and billing of the transactions, thereby providing a centralized control of what may be a huge number of rental transactions; the ability to modify the reservation after it has been placed, thereby eliminating the time and effort otherwise required for human interaction with the concomitant labor savings and accuracy; the ability to allow the transaction to be made at alternate locations, thereby adding flexibility to the operations necessary to handle typical rental transactions; the ability to generate reports reflective of all the transactions placed through the ARMS® system for management use, thereby providing more effective management control over the "business" of providing rental cars to customers on a high volume basis; the accessibility of the ARMS® system over the internet, thereby making the system user friendly, minimizing training, standardizing menu arrangement and selections; and still other claimed features as reflected in other claims in the patent application.

6. I have personal knowledge of the foregoing statements, or knowledge based on a review of the records of the company, and believe them to be true.

Having been duly warned that willful false statements and the like are punishable by fine or imprisonment, or both under 18 USC 1001, and may jeopardize the validity of the subject application or any patent issuing thereon, the declarant submits the foregoing declaration.

David Smith

3/28/03